

RECEIVED

DOCKET FILE COPY ORIGINAL

SEP - 2 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

*

Amendment of Section 73.202(b)
Table of Allotments
(Greenwood and Abbeville, SC)

*

MM Docket No. 97-156
RM-9110

*

COMMENTS IN OPPOSITION TO PROPOSED
REALLOTMENT TO ABBEVILLE

Shelley Reid, licensee of WZLA-FM, Abbeville, South Carolina (hereinafter "Reid"), through his counsel, Robert A. DePont, Esquire, respectfully submits his Comments in opposition to the Commission's proposal in its Notice of Proposed Rulemaking (NPRM) (DA 97-1421), released July 11, 1997. As grounds for his opposition, Reid states as follows:

1. As set forth in the NPRM, the Commission has proposed amending the FM Table of Allotments to delete one of the only two FM stations licensed to Greenwood, South Carolina (population 20,807) in Greenwood County (population 59,567). In the NPRM, the Commission has further proposed amending the Table of Allotments by taking Channel 244A from Greenwood and by adding Channel 244C3 as a second FM frequency to Abbeville, South Carolina (population 5,778) in Abbeville County (population 23,862).

2. Simply stated, adoption of this proposal would violate the core principles of Section 307 (b) of the Communications Act of 1934, as amended, 47 U.S.C. Section 307 (b). Accordingly, it must be

024

rejected.

3. As the Commission is well aware, Section 307(b) of the Communications Act calls for the "fair, efficient and equitable distribution" of broadcast frequencies among the "several States and communities." The Commission's own stated allotment priorities are: (1) first full-time aural service; (2) second full-time aural service (3) first local service and (4) other public interest matters. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). In this case, item (4), "other public interest matters," is the relevant allotment priority.

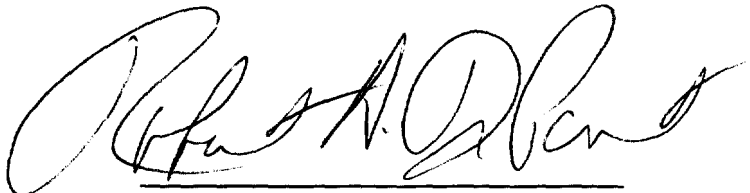
4. Reid submits that it would clearly not be in the public interest to remove the sole competing FM service from the city of Greenwood, a city of over 20,000, to the town of Abbeville, with a population of less than 30 percent of that of Greenwood (and which already has its own FM broadcast station--WZLA-FM). The inevitable result of such a rearrangement of the Table of Allotments would be to leave only one FM broadcast station in Greenwood with public service and public affairs programming requirements toward the citizens of the city of Greenwood, a city of substantial size in comparison with the much smaller Abbeville.¹

¹ Even if the AM services are taken into account, the proposal would leave both Abbeville and Greenwood with three radio services each, a clearly inequitable distribution of service given the much greater population of Greenwood. The current 2:1 ratio of Greenwood to Abbeville radio stations is

5. As a matter of common sense, removal of the public service and public affairs programming currently being provided by WCRS-FM to the people of the city of Greenwood would violate the fair proportionality precepts underlying Section 307 (b) of the Act, as well as the corollary public interest policies underlying the Commission's community-oriented public affairs programming requirements.

6. Accordingly, upon consideration of the relevant public interest concerns, Reid respectfully submits that the current proposal to amend the FM Table of Allotments be rejected and dismissed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Robert A. DePont', is written over a horizontal line.

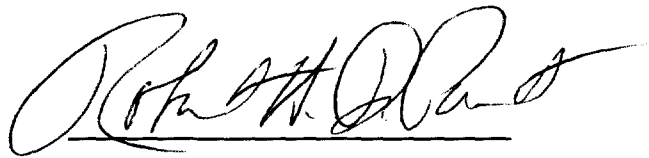
Robert A. DePont
140 South Street
P.O. Box 386
Annapolis, MD 21404
410-263-0632

Counsel for Shelley Reid

substantially closer to the almost 4:1 population ratio between Greenwood and Abbeville than the proposed 1:1 ratio of radio stations in the two communities that would result if the NPRM's proposal were adopted.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of September, 1997, a copy of the foregoing Comments in Opposition were sent by first-class U.S. mail, postage prepaid, to Robert Lewis Thompson, Esquire, Taylor, Thiemann & Aitken, L.C., 908 King Street, Suite 300, Alexandria, VA 22314, Counsel for Petitioner.

A handwritten signature in cursive script, appearing to read 'Robert A. DePont', written over a horizontal line.

Robert A. DePont